

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

ANSON RYDELL NORRIS,
Appellant.

No. 2 CA-CR 2018-0247
Filed October 17, 2019

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).

Appeal from the Superior Court in Pima County
No. CR20170344001
The Honorable Deborah Bernini, Judge

AFFIRMED

COUNSEL

Mark Brnovich, Arizona Attorney General
Joseph T. Maziarz, Chief Counsel
By Heather A. Mosher, Assistant Attorney General, Tucson
Counsel for Appellee

Cirillo Law Firm P.C., Tucson
By Elizabeth Cirillo
Counsel for Appellant

STATE v. NORRIS
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Eppich authored the decision of the Court, in which Judge Espinosa and Judge Eckerstrom concurred.

E P P I C H, Presiding Judge:

¶1 Following a jury trial, appellant Anson Norris was convicted of kidnapping, theft of means of transportation, robbery and criminal damage in the amount of \$2,000 or more but less than \$10,000.¹ After finding that Norris had a historical prior felony conviction, the trial court imposed concurrent and consecutive, enhanced, partially aggravated and presumptive sentences totaling 17.25 years in prison and ordered Norris to pay \$5,309.61 in restitution.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), stating she has reviewed the record and found no “grounds for appeal,” and asking us to search the record for reversible error. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, she has provided “a detailed factual and procedural history of the case with citations to the record.” Norris has not filed a pro se supplemental brief.

¶3 Viewed in the light most favorable to sustaining the verdicts, see *State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence is sufficient to support the jury’s findings of guilt. See A.R.S. §§ 13-1304(A)(3), (B), 13-1602(A)(1), (B)(3), 13-1814(A)(1), (D), and 13-1902.² The evidence presented at trial showed that in January 2017, Norris pulled a woman from her car and took it and her cellular telephone. Escaping with that car, Norris collided with another vehicle causing \$5,309.61 in damages. We further conclude the sentences are within the statutory range and were imposed in a lawful manner. See A.R.S. §§ 13-701(C), (D), (F), 13-703(B), (I).

¹The trial court also dismissed two counts of driving while under the influence.

²We cite the current version of the statutes in this decision, as they have not changed in relevant part since Norris committed his offenses.

STATE v. NORRIS
Decision of the Court

¶4 Pursuant to our obligation under *Anders*, we have reviewed the entire record and considered all potential issues, including those to which counsel has drawn our attention in her opening brief and the claim we directed her to address in a supplemental opening brief.³ Having found no fundamental, reversible error, we affirm Norris's convictions and sentences.

³In reviewing the record pursuant to *Anders*, we identified a non-frivolous claim and issued the following order:

It appearing that the trial court's finding of a non-historic prior conviction that was more than ten years old does not fall under A.R.S. § 13-701(D)(11), but may fall under § 13-701(D)(27) as a catch-all aggravator, and it appearing that the court considered harm to the victims, an enumerated factor under § 13-701(D)(9), in the absence of a jury determination beyond a reasonable doubt or a waiver by Norris of the right to have the jury make that determination, counsel is to address whether the partially aggravated sentence imposed for kidnapping was error and if so, whether the error was fundamental and prejudicial.

Albeit for different reasons, both Norris and the state agree in their supplemental briefs that the partially aggravated sentence for kidnapping in the absence of an express determination by the jury of any specifically enumerated aggravating factor under § 13-701(D) was legally imposed.